

REMARKS

In the Decision on Appeal ("Decision")¹, the Board of Patent Appeals and Interferences ("Board") rejected claims 1-26 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,010,801 to Jerding et al. ("*Jerding*").

Applicant has amended claims 1, 13, 25, and 26, and claims 1-26 remain pending.

Applicant respectfully traverses the rejection of claims 1-26 under 35 U.S.C. § 102(e) as anticipated by *Jerding*. In order to properly establish that *Jerding* anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites a content recording/reproducing apparatus including, for example:

... wherein the recorded content includes a plurality of frames and each frame has a corresponding viewable period that is obtained by subtracting a first value, corresponding to the combination of a current time and a time needed for starting reproduction, from a second value, corresponding to the combination of the viewable period and a recording time of the frame.

¹ The Decision contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Decision.

Jerding discloses a “method for an interactive media services system to provide media to a user through an interactive media services client device” (col. 2, lines 26-28). A MOD (media-on-demand) current rental screen 270 informs a user that a MOD title has been previously rented and that its rental duration has not expired (col. 25, lines 16-20). “The lower portion of the display 271 displays the MOD title currently rented, the length of the MOD title, and the rental time remaining” (col. 25, lines 20-22).

In *Jerding*, the user may rent and view a MOD title for a predetermined duration of time. The user may fast-forward, rewind, play, pause, and stop the video. However, *Jerding* does not teach or suggest the claimed “frames” and “corresponding viewable period.” Therefore, *Jerding* does not teach or suggest the claimed combination of elements including, for example, “wherein the recorded content includes a plurality of frames and each frame has a corresponding viewable period that is obtained by subtracting a first value, corresponding to the combination of a current time and a time needed for starting reproduction, from a second value, corresponding to the combination of the viewable period and a recording time of the frame,” as recited in claim 1.

Jerding fails to teach the claimed subject matter, including at least these elements. Accordingly, *Jerding* cannot anticipate claim 1. Thus, claim 1 is allowable for at least these reasons. Claims 2-12 are also allowable at least due to their depending from claim 1.

Independent claims 13, 25, and 26, while of different scope, recite limitations similar to those of claim 1 and are thus allowable over *Jerding* for at least the same

reasons discussed above in regard to claim 1. Claims 14-24 are also allowable at least due to their dependence from claim 13.

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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